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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,975	03/14/2004	James T. Bezanson	BEA920030032US1	1393
61780 7590 11/13/2007 LAW OFFICES OF MICHAEL DRYJA 1474 N COOPER RD #105-248 GILBERT, AZ 85233			EXAMINER SHIU, HO T	
			ART UNIT 4152	PAPER NUMBER
			MAIL DATE 11/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/800,975

Applicant(s)

BEZANSON ET AL.

Examiner

Ho Ting Shiu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 14 March 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. Claims 1-25 are pending in this application.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. With respect to claim 23, "a computer-readable medium" is being recited. Applicant's specification states that "where the medium may be a recordable data storage medium, a modulated carrier signal, or another type of computer-readable medium." A modulated carrier signal is not one of the statutory subject matter.

See MPEP 2106.01

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**6. Claims 1-9, 12, 15-18, 20, 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton, II et al. (US Patent 7,107,330 B1, hereinafter Hamilton) in view of Barmettler et al. (US PUB 2003/0023770 A1, hereinafter Barmettler).**

7. With respect to claim 1. Hamilton discloses creating entries for drivers within a master driver file (column 3, lines 50-54); and, for each client computing system, creating references within an unattended installation file for the client computing system within the master driver file (column 3, lines 50-61). While Hamilton discloses the determining versions of device drivers executable by different operating system in different client computing system (column 2, lines 31-33), he does not disclose specifically which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation on the client computing system.

In the same field of endeavor, Barmettler discloses which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation on the client computing system ([0009], lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hamilton by determining which drivers are needed for devices on client system as taught by Barmettler in order to install the needed driver on Hamilton system.

8. With respect to claim 2, the claim is rejected for the same reasons as claim 1 above. In addition, Barmettler discloses which drivers are needed for mass storage devices on the client computing systems ([0009], lines 4-12, [0002], lines 1-3).

9. With respect to claim 3, the claim is rejected for the same reasons as claim 1 above. In addition, Barmettler discloses remotely scanning hardware on the client computer systems to learn of the devices that are not automatically found and installed on the client computing systems during operating system installation ([0009], lines 4-9, [0021], lines 1-6, [0014], lines 3-7, the web site determines whether the driver installation can be automated while the automated installation object determines which peripheral devices are attached to the computing system in which essentially the website remotely scans the hardware on the client computer systems).

10. With respect to claim 4, Hamilton discloses creating entries for the drivers within the master driver file comprises creating entries for the drivers within the master driver file that are not already present within the master driver file (column 3, lines 50-54).

11. With respect to claim 5, Hamilton discloses creating entries for the drivers within the master driver file comprises creating entries for the drivers within the master driver file as stored on a server computing system (column 3, lines 50-61).

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12. With respect to claim 6, Hamilton discloses copying the master driver file to each client computing system (column 3, lines 65-67), wherein creating references within the unattended installation file for each client computing system to the entries for the drivers of the devices within the master drive file comprises creating the references to the entries for the drivers of the devices within the master driver file as copied to the client computing system (column 3, lines 58-61).

13. With respect to claim 7, Hamilton discloses copying the master driver file to each client computing system comprises copying the master driver file in its entirety to each client computer system (column 3, lines 65-67, 58-61, 50-52).

14. With respect to claim 8, Hamilton discloses copying the master driver file to each client computing system comprises, for each client computing system, copying only those parts of the master driver file that include the entries for the drivers that are needed for the devices on the client computing system (column 4, lines 1-3).

15. With respect to claim 9, Hamilton discloses for each client computing system, copying the drivers that are needed for the devices on the client computing system to the client computing system (column 4, lines 1-3).

16. With respect to claim 12, Hamilton discloses the unattended installation file for each client computing system is an operating system installation answer file for the

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client computing system (column 3, lines 50-57, the unattended installation file may also be referred to as an answer file, and contains the values, or answers, needed by the operating system installation process).

17. With respect to claim 15, Hamilton discloses a plurality of client computing systems (column 6, lines 61-67, column 7, lines 1-3), a server computing system having stored thereon a master driver file within which entries for drivers for the devices of each client computing system are created (column 6, lines 61-67, column 7, lines 1-3), wherein each client computing system has an unattended installation file within which the server computing system creates references to the entries for the drivers of the devices for the client computing system within the master driver file (column 3, lines 50-61). While Hamilton discloses the determining versions of device drivers executable by different operating system in different client computing system (column 2, lines 31-33), he does not disclose specifically which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation on the client computing system.

In the same field of endeavor, Barnettler discloses which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation on the client computing system ([0009], lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hamilton by determining which drivers are needed for devices on client system as taught by Barmettler in order to install the needed driver on Hamilton system.

18. With respect to claim 16, the claim is rejected as the same reasons as claim 15 above. In addition, Barmettler discloses mass storage devices ([0009], lines 4-12, [0002], lines 1-3).

19. With respect to claim 17, Hamilton discloses each client computing system has a copy of the master driver file after entries for the drivers for the device of the client computing system are created therein (column 3, lines 65-67, lines 50-57, column 4, lines 1-3).

20. With respect to claim 18, Hamilton discloses each client computing system has copied thereto by the server computing system drivers for the devices referenced in the unattended installation file of the client computing system (column 3, lines 50-61).

21. With respect to claim 20, Hamilton discloses a server computing system communicatively connected to a plurality of client computing systems comprising (column 6, lines 66-67, column 7, lines 1-3), means for creating entries for drivers within a master driver file (column 3, lines 50-54); and, means for creating references for each



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client computing system within an unattended installation file for the client computing system to the entries for the drivers of the devices for the client computing system within the master driver file (column 3, lines 50-61). While Hamilton discloses the determining versions of device drivers executable by different operating system in different client computing system (column 2, lines 31-33), he does not disclose specifically which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation on the client computing system.

In the same field of endeavor, Barmettler discloses which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation on the client computing system ([0009], lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hamilton by determining which drivers are needed for devices on client system as taught by Barmettler in order to install the needed driver on Hamilton system.

22. With respect to claim 21, Hamilton discloses means for copying the master driver file to each client computing system (column 3, lines 65-67); and, means for copying the drivers that are needed for the devices on each client computing system thereto (column 4, lines 1-3).

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23. With respect to claim 23, Hamilton discloses means in the medium for creating entries within a master driver file (column 3, lines 50-54), for creating references for each client computing system within an unattended installation file for the client computing system to the entries for the drivers of the devices for the client computing system within the master driver file (column 3, lines 50-61). While Hamilton discloses the determining versions of device drivers executable by different operating system in different client computing system (column 2, lines 31-33), he does not disclose specifically which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation and a computer-readable medium.

In the same field of endeavor, Barmettler discloses which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation ([0009], lines 4-12) and a computer-readable medium ([0017], lines 7-10, [0014], lines 21-29, internet consists of multiple computer-readable mediums).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hamilton by determining which drivers are needed for devices on client system as taught by Barmettler in order to install the needed driver on Hamilton system and also including a computer-readable medium so that data/drivers/programs/software are readily available.

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24. With respect to claim 24, Hamilton discloses copying the master driver file to each client computing system (column 3, lines 65-67) and for copying the drivers that are needed for the devices on each client computing system thereto (column 4, lines 1-3).

**25. Claims 10, 13, 14, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Barmettler as applied to claims 1, 15, 20, and 23 and in further view of Platt (US Patent 5,421,009, hereinafter Platt).**

26. With respect to claim 10, the combination of Hamilton and Barmettler discloses where the drivers of the devices for the client computing systems are able to be installed in the unattended manner due to the references created within the unattended installation files to the entries for the drivers of the devices within the master drive file (Hamilton column 3, lines 50-61) but does not disclose remotely installing operating systems on the client computing systems in an unattended manner.

However, in the same field of endeavor, Platt discloses remotely installing operating systems on the client computing systems in an unattended manner (column 1, lines 61-63, column 2, lines 3-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hamilton and Barmettler with the teachings of Platt in order to not only provide/install drivers, but

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programs/software as well which are needed/useful without an administrator/personnel to complete the task resulting in a more efficient manner.

27. With respect to claim 13, Hamilton discloses creating entries for drivers within a master driver file that are not already present within the master driver file as stored on a server computing system (column 3, lines 35-49); copying the master driver file to each client computing system (column 3, lines 65-67); copying the drivers that are needed for the devices on each client computing system to the client computing system (column 4, lines 1-3); for each client computing system, creating references within an unattended installation file for the client computing system to the entries for the drivers of the devices for the client computing system within the master driver file as copied to the client computing system (column 3, lines 58-61), where the drivers of the device for the client computing systems are able to be installed in the unattended manner due to the references created within the unattended installation files to the entries for the drivers of the devices within the master driver file (column 3, lines 50-61). While Hamilton discloses the determining versions of device drivers executable by different operating system in different client computing system (column 2, lines 31-33), he does not disclose specifically which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation on the client computing system.

In the same field of endeavor, Barmettler discloses which drivers are needed for devices on the client computing systems that are not automatically found and installed

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on the client computing system during vendor-specified operating system installation on the client computing system ([0009], lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hamilton by determining which drivers are needed for devices on client system as taught by Barmettler in order to install the needed driver on Hamilton system.

The combination of Hamilton and Barmettler does not disclose remotely installing operating systems on the client computing systems in an unattended manner.

However, in the same field of endeavor, Platt discloses remotely installing operating systems on the client computing systems in an unattended manner (column 1, lines 61-63, column 2, lines 3-6)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hamilton and Barmettler with the teachings of Platt in order for a more convenient way not only to provide/install drivers, but programs/software that are needed/useful.

28. With respect to claim 14, the claim is rejected as the same reasons as claim 13 above. In addition, Barmettler discloses the devices on the client computing systems are mass storage devices ([0009], lines 4-12, [0002], lines 1-3).

29. With respect to claim 22, it is rejected as the same reasons as claim 20 above. In addition, Hamilton discloses where the drivers of the devices for the client computing

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systems are able to be installed in the unattended manner due to the references created within the unattended installation files to the entries for the drivers of the devices within the master driver file (column 3, lines 50-61).

The combination of Hamilton and Barmettler does not disclose remotely installing operating systems on the client computing systems in an unattended manner.

However, in the same field of endeavor, Platt discloses remotely installing operating systems on the client computing systems in an unattended manner (column 1, lines 61-63, column 2, lines 3-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hamilton and Barmettler with the teachings of Platt in order for a more convenient way not only to provide/install drivers, but programs/software that are needed/useful.

30. With respect to claim 25, it is rejected as the same reasons as claim 23 above. In addition, Hamilton discloses where the drivers of the devices for the client computing systems are able to be installed in the unattended manner due to the references created within the unattended installation files to the entries for the drivers of the devices within the master driver file (column 3, lines 50-61).

The combination of Hamilton and Barmettler does not disclose remotely installing operating systems on the client computing systems in an unattended manner.

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However, in the same field of endeavor, Platt discloses remotely installing operating systems on the client computing systems in an unattended manner (column 1, lines 61-63, column 2, lines 3-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hamilton and Barmettler with the teachings of Platt in order for a more convenient way not only to provide/install drivers, but programs/software that are needed/useful.

**31. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Barmettler as applied to claims 1 and 15 and in further view of Maxwell et al. (US Patent 6,567,860 B1, hereinafter Maxwell).**

32. With respect to claim 11, it is rejected as the same reasons as claim 1 above. The combination of Hamilton and Barmettler does not disclose that the master driver file is a text mode driver.

However, in the same field of endeavor, Maxwell discloses wherein the master driver file is a text mode driver file (column 10, lines 48-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hamilton and Barmettler with the teachings of Maxwell in order to incorporate devices that are required upon booting which is necessary to create a file directory or such sort so the operating system will recognize such drivers for such devices.

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33. With respect to claim 19, it is rejected as the same reasons as claim 15 above. Hamilton discloses the unattended installation file for each client computing system is an operating system installation answer file for the client computing system (column 3, lines 50-57, the unattended installation file may also be referred to as an answer file, and contains the values, or answers, needed by the operating system installation process). The combination of Hamilton and Barmettler does not disclose that the master driver file is a text mode driver file.

However, in the same field of endeavor, Maxwell discloses wherein the master driver file is a text mode driver file (column 10, lines 48-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hamilton and Barmettler with the teachings of Maxwell in order to incorporate devices that are required upon booting which is necessary to create a file directory or such sort so the operating system will recognize such drivers for such devices.

### ***Conclusion***

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ho Ting Shiu whose telephone number is 571-270-3810. The examiner can normally be reached on Mon-Thur (7:30am - 6:00pm).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HTS  
11/08/2007

  
NABIL M. EL-HADY  
SUPERVISORY PATENT EXAMINER